

UNITED STATES DISTRICT COURT

for the
Southern District of OhioUnited States of America
v.
Hugo Osmin ORTIZ-Linares

Case No.

2:19-mj-162

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 02/15/2019 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section

8 U.S.C. 1326 (a) and (b)(1)

Offense Description

being an alien, that is, a citizen of El Salvador who was ordered deported and removed from the United States on or about 01/06/2017, following a conviction for Improperly Handling a Firearm in a Motor Vehicle (F4), a felony, in the Southern District of Ohio, was found on or about 02/15/2019 in Columbus, Ohio, without, prior to his re-entry and at a place outside the United States, obtaining the consent of the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States, in violation of 8 U.S.C. 1326(a) and (b)(1).

This criminal complaint is based on these facts:

see attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Matthew J. Salmon, Deportation Officer (ICE)

Printed name and title

Sworn to before me and signed in my presence.

Date:

3-4-19



Judge's signature

City and state:

Columbus, Ohio

Chelsea Vascara, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF
MATTHEW J. SALMON
DEPORTATION OFFICER
IMMIGRATION AND CUSTOMS ENFORCEMENT

I, Matthew J. Salmon, being first duly sworn, depose and say:

1. I am a Deportation Officer with over 16 years of experience with United States Immigration and Customs Enforcement (ICE), United States Citizenship and Immigration Services, and the United States Border Patrol. I am assigned to the Columbus, Ohio Office of Enforcement and Removal. I have investigated both criminal and administrative matters involving aliens in the United States. I have a Bachelor's Degree in Criminal Justice from Marshall University. I have successfully completed the U.S Border Patrol Agent course at the Federal Law Enforcement Training Center at Charleston, SC.

My investigation has revealed the following facts:

2. On or about 12/06/2015, Hugo ORTIZ-Linares, a citizen of El Salvador, was arrested for Improperly Handling Firearms in a Motor Vehicle (F4) under Section 2923.16 of the Ohio Revised Code. On or about 07/27/2016, ORTIZ-Linares was convicted of this offense. ORTIZ-Linares was sentenced to two (2) days incarceration and two (2) years Community Control.
3. On or about 11/08/2016, ORTIZ-Linares was arrested by ICE Deportation Officers in Columbus, Ohio. At this time, ORTIZ-Linares was charged administratively as an inadmissible alien under Section 212(a)(6)(A)(i) of the Immigration and Nationality Act and issued A209 151 042. On or about 11/21/2016, ORTIZ-Linares was ordered removed from the United States to El Salvador by an Immigration Judge (Cleveland, OH). On or about 01/06/2017, ORTIZ-Linares was physically removed from the United States to El Salvador via Alexandria, LA. Prior to his removal, ORTIZ-Linares surrendered his fingerprint and photo for Immigration Form I-205 (Warrant of Removal/Deportation), a document that he signed. ORTIZ-Linares's departure was witnessed and signed by an Immigration Officer.
4. On or about 02/15/2019, ORTIZ-Linares was targeted and arrested as a previously removed criminal alien by Deportation Officers with ICE/ERO in Columbus, OH (SDOH). It was determined after a verification of fingerprints that ORTIZ-Linares had a prior order of removal from the United States and that ORTIZ-Linares was subject to prosecution for illegal re-entry, having been found in the United States after being barred for a period of ten years.

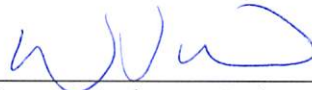
5. Records checks confirmed that ORTIZ-Linares did not receive permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security for this entry.

Your Affiant submits that the foregoing facts establish probable cause that ORTIZ-Linares has committed a violation of 8 U.S.C. §§ 1326(a) and (b)(1), being an alien who: (1) subsequent to having been convicted of a felony; (2) was denied admission, excluded, deported, or removed, or departed the U.S. while and order of exclusion, deportation or removal was outstanding; (3) thereafter entered, attempted to enter, or at any time was found in the United States; and (4) did not have consent from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States prior to either his re-embarkation at a place outside the United States or his application for admission from a foreign contiguous territory.



Matthew J. Salmon
Deportation Officer
Immigration and Customs Enforcement

Sworn before me and subscribed in my presence on this 4 day of March, 2019.



United States Magistrate Judge